

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

JESSICA SMITH,)
)
 Plaintiff,)
)
 vs.) Case No. 2:11CV39 RWS
)
 JIM SUMNER,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for sanctions. Plaintiff asks this Court to sanction defendant by striking his motion for summary judgment because the notary public forgot to enter the date when she notarized defendant's interrogatory responses. Plaintiff seeks this sanction under Fed. R. Civ. P. 26(g), which is not even applicable. Moreover, the very suggestion that this Court would impose such a harsh sanction for this type of omission by the notary public is ludicrous. The motion will be denied. Both attorneys in this case are behaving unprofessionally -- plaintiff's counsel, by frivolous motions (the instant motion is but the latest example), and defense counsel, by interposing frivolous objections to discovery requests (defendant's belated "explanation" of his responses does not alter my previous conclusion about the inadequacy of his objections). I refuse to let the merits of this action get obscured by the contumacious conduct of counsel. The parties and the public deserve better, and this Court demands better.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for sanctions [#65] is denied.

Sippel

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2012.